THE

WEEKLY ENTERTAINER.

For MONDAY, June 24, 1793.

INTERESTING TRIALS.

COURT of KING's BENCH.

MONDAY, May 20.

PENLINGTON *versus* COOKE, *Uxor.*

THE plaintiff in this cause is a surgeon and apothecary, and in that capacity attended a child of the defendant, who died while under his care. In due time he delivered his bill, which the defendant refused to pay, alledging, that the demand was exorbitant; that the plaintiff had been the death of her child; and that she would do all in her power to injure him. Her constant topic of conversation, on every occasion, was detracting from his professional abilities, and threatening to circulate hand-bills exposing his ignorance.—A witness swore, that in consequence of those declarations, he discontinued the plaintiff, who had for some time been in the habit of attending his family, and employed another person. Two physicians, under whose tuition the plaintiff had been, stated, that he had been regularly educated; and that they believed him to be skilful in his profession.

Mr. Mingay admitted, that the Jury were bound to find for the plaintiff; but contended, that there were several alleviating circumstances in the case, which having enforced with much energy, he trusted, they would be induced to give very slight damages indeed. The expressions complained of, he said, were

were the ebullitions of a heart risen with grief, at the loss of a darling child; that they did not proceed from malignity, but from distraction; that his client, being ignorant of the obscure diseases incident to children, had drawn erroneous conclusion from the plaintiff's shifting the manner of treatment four different times; and, finaly, that the expences would fall on the defendant's husband, who was not in a condition to pay heavy damages.

The Jury, under the direction of the learned Judge, gave a verdict for the plaintiff, 40s. damages, which carry the costs of suit, and no more.

THE bulk of the causes that were tried were frivolous and uninteresting. In one action, that was brought for a petty assault, Lord Kenyon said, it was a scandal for the name of any attorney to be mentioned in such a cause; that he ought to be drummed out of the profession with a halter about his neck; and that, if such frivolous and vexatious causes were persisted in, he should in future endeavour to find some method for punishing the pettifoggers who brought them.

GUILDHALL, LONDON.

TUESDAY, May 21.

Before Lord Kenyon and a Special Jury.

GOOD *versus* JONES.

ACCORDING to the statement of Mr. Bearcroft, this action was brought to recover the sum of 38l. 10s. 6d. which the defendant had received, as the price of some cattle belonging to the Plaintiff, who is a grazier in the county of Leicester.

The manner in which the business is carried on, is this. The grazier in the country, who in this case was the plaintiff, sent his cattle to town by his servant, who delivered them to a man of the name of Holbidge, who is called a salesman, in as much as it was his duty to take or send them to Smithfield to be sold. This man actually did sell them, and the money was delivered to Jones, who was book-keeper to Holbidge, and who, by the custom of the business, ought to have delivered it over to the

grazier's

grazier's ſervant, to be delivered to his maſter. Inſtead of this, Jones thought proper to keep this money, becauſe his maſter, Mr. Holbidge, owed him 200l. and the ſingle queſtion in the cauſe was, Whether he could, conſiſtently with law, and with juſtice, detain this money from the plaintiff, on account of any debt which was due to him from Holbidge.

Mr. Erſkine, in behalf of the defendant, exerted his uſual ingenuity and abilities to ſhow that his client was entitled to retain this money, in conſequence of a particular cuſtom that took place in this buſineſs.

The Counſel was interrupted in his addreſs by the Judge, who ſaid he never recollected a ſtronger and a clearer caſe for the plaintiff; and that no cuſtom whatever could authorize one man to keep another man's money.

Verdict for plaintiff, 38l. 10s. 6d.

COURT *of* KING's BENCH.

Wednesday, May 22.

Sittings after Term.

Stranger *verſus* Serle.

THIS was an action brought to recover the amount of a note ſuppoſed to bear the acceptance of the defendant: It is one of ſeveral lying under ſimilar circumſtances, and depending upon the ſame iſſue.

By the evidence adduced by Mr. Garrow on behalf of the plaintiff, it appeared, that the defendant was much connected with a perſon of the name of Wood, who lately was a keeper of livery-ſtables in Park-lane, and who was induced ſome time ſince to commit ſuicide. This connection was of ſo intimate and confidential a nature, that the defendant uſed to give Wood blank acceptances to fill up in diſcharge of debts ſuppoſed to ariſe from gambling tranſactions. When the bill in queſtion became due in the hands of the plaintiff, he wrote to the defendant, who by anſwer did not deny the debt; but upon ſeeing it, he ſaid, he did not think it was his hand-writing, and refuſed to pay it. Four witneſſes were called to prove the acceptance to be the defendant's hand-writing; two of whom ſwore poſitively to its being ſo; the other two could not be poſitive of it.

Mr. Erſkine, on behalf of the defendant, called three witneſſes, who ſwore that the acceptance was not the hand-writing of the defendant, who reſiſted the payment, on the ground that the whole was a forgery, ſuppoſed to have been committed by the deceaſed Wood.

Mr. Garrow, in reply, ably combated the abſurdity of a man committing a capital offence, when, by the means of the blank acceptances he was in the habits of receiving from the defendant, he could always have legally ſaddled him with the diſcharge of any ſum his own neceſſities might require.

Lord Kenyon ſummed up to the Jury, obſerving that after having heard both ſides, ſuch doubts ſtill remained upon his mind, he was well pleaſed it was their province, not his, to make an abſolute deciſion, one way or the other.

The Jury retired, and after a conſiderable time ſpent in deliberation, brought in their verdict in favour of the defendant.

THURSDAY, May 23.

PEARSE *verſus* DUBERLY.

THIS action adds one more proof to the truth of the old ſaying, viz. "that two of a trade can never agree;" for the plaintiff and defendant were both taylors. On the part of the plaintiff, it appeared that a perſon employed by him, made rather too free with a very conſiderable quantity of cloth, which was ſold through the medium of a third perſon, to the defendant.

Mr. Erſkine in opening the plaintiff's caſe, ſaid, with much candour, that he would not impute to Mr. Duberly a knowledge that the cloth had not been honeſtly obtained.

The Jury gave a verdict for the plaintiff for the whole amount, which was near three hundred pounds.

STEDMAN *againſt* GOOCH.

THIS was an action for goods ſold and delivered.—The plaintiff, Mrs. Stedman, is a milliner, and had ſold goods, conſiſting of a cloak, veil, &c. to Mrs. Gooch, which amounted to 17l. and for which the action was brought. Mrs. Gooch ſome time ago was divorced from her huſband, in the Commons, *a menſa et thoro*. A bill was afterwards brought into Parliament

Parliament for a divorce, *a vinculo matrimonii*, but it did not paſs; but the defendant was allowed a ſeparate maintenance of 200l. a year, by her huſband.

On the part of the plaintiff, the delivery of the goods was proved by her apprentice, and that they were ſold at a reaſonable price.

The Counſel for the defendant ſaid, there would be an end of this action, if he could prove the defendant was a married woman, unleſs they could ſhew that ſhe had a ſeparate maintenance to enable her to live.

There was another defence, which at all events muſt be a good one, whether ſhe was married or not. The defendant gave her a note of hand for theſe goods, and having a male friend of the name of Mr. Finlay, the plaintiff gave up the defendant's note, for the ſecurity of Mr. Finlay. It appeared, the plaintiff had uſed all diligence to recover on this paper, but could not. The defendant proved the marriage. It alſo appeared in evidence, that the defendant had 50l. a quarter from her huſband, but there was no deed of ſeparation; ſo that it was optional in the huſband, how long he ſhould pay this 200l. per annum.

Lord Kenyon doubted whether, in point of law, this amounted to a ſeparate maintenance.

The divorce, *a menſa et thoro*, was proved by the production of the ſentence in the Eccleſiaſtical Court, but it was doubted whether the other proceeding ought not to have been produced.

Lord Kenyon directed the Gentlemen of the Jury to find a verdict for the plaintiff, to the amount of her bill, ſubject to the opinion of the Court on the two laſt points.

Verdict for the plaintiff, 17l.

KING's BENCH,

SANDS, *verſus* SAYER *and* WIFE.

Breach of Promiſe of Marriage.

TUESDAY, May 28 was tried before Lord Kenyon, and a Special Jury, an action to recover a ſatisfaction in damage, for a breach of promiſe of marriage, made by Mrs. Sayer to the plaintiff, previous to her marriage with her preſent huſband.

It

It was ſtated by Mr. Bearcroft, that the plaintiff was a reſpectable young man, and his buſineſs was that of planning and laying out gardens. The defendant's wife was the niece of an eminent coach-maſter, who had retired from buſineſs with a conſiderable fortune, and reſided at Walton upon Thames. It was there that the plaintiff commenced his acquaintance with Mrs. Sayer, between whom a courtſhip had taken place, which continued about two years. Several letters had been written by the Lady to the plaintiff, which would prove the contract of an intended marriage. It happened, however, that Mr. Sayer came down to Walton, and the young Lady was ſo ſtruck with him, that ſhe ſoon afterwards declared, that although ſhe entertained a great regard for the plaintiff, ſhe would prefer Mr. Sayer for her huſband, even if the former was a peer, and the latter only a coachman.

Several witneſſes were called, but none of them could prove that any letters had been written to the plaintiff by Mrs. Sayer, or that ſhe ever promiſed him marriage. By their evidence, it appeared that the Lady's uncle diſapproved of the plaintiff's viſits to his niece, and that the young Lady had declared, ſhe never gave him to underſtand that it was her intention to marry him; ſhe was now only twenty-two years of age.

Lord Kenyon recommended the Counſel to withdraw a juror, which was conſented to, in conſequence of which, the parties muſt pay their own coſts.

GUILDHALL, LONDON.

Sittings before Lord Kenyon and a Special Jury.

THE KING *verſus* BISHOP.

MR. BEARCROFT ſtated, that this was an indictment for perjury; a circumſtance which would ſecure the attention of the Jury; and which, upon that occaſion, was in a particular manner neceſſary, for the ſake of the public on the one hand, and that of the individual criminated on the other. The learned Counſel ſaid he thought it his duty to appriſe the Jury, that this was a pitched battle between truth and perjury. The circumſtances that belonged to this caſe were ſhortly theſe:

A perſon of the name of Gifford carried on the buſineſs of a candle-maker, and lived within the juriſdiction of the Commiſſioners of Exciſe, becauſe within the Bills of Mortality.

On

On a ſudden it became convenient for Gifford to ceaſe carrying on the buſineſs of a candle-maker. He gave notice of this, and of conſequence was no longer under the Exciſe. He then ſet up as a dealer only, or a ſeller of candles; and a man of the name of Wintle took part of the premiſes, and carried on the buſineſs of candle making. The whole of this, however, was a colluſion, and the candles which were made by Wintle, were conveyed to Gifford, without paying the duty. The parties were convicted of this offence, and had paid the penalty. On Monday the 12th of March, 1792, the Revenue Officers watched Wintle and Gifford, and ſaw Mrs. Gifford, ſeveral times in the courſe of the day, take away quantities of candles from the premiſes that were entered, to thoſe that were not entered. Five witneſſes ſwore this when an information was exhibited againſt Wintle and Gifford. On that occaſion, the preſent defendant, Biſhop, ſwore that the evidence for the proſecution could not be true, inaſmuch as Mrs. Gifford was not in town on Monday the 12th of March, 1792; and that conſequently ſhe could not convey any candles from the neighbouring premiſes, as had been repreſented.—He ſwore that, on Sunday the 11th of March, 1792, he, his wife, and Mrs. Gifford, went, in a one-horſe chaiſe, down to a Mr. A. Smith's, at Bexley, in Kent, and did not return till Tueſday afternoon. In conſequence of what had been ſworn by the Exciſe Officers, that they ſaw Mrs. Gifford, whom they had known for many years, in her own houſe, on Monday, March 12, 1792, Biſhop was indicted for perjury. Five witneſſes ſwore, as they had done before, that they ſaw Mrs. Gifford taking away theſe candles into her own premiſes, on Monday the 12th of March. An equal number of witneſſes, on the part of the defendant, ſwore that Mrs. Gifford was at Bexley, in Kent, on that day.

Lord Kenyon obſerved, that the evidence given on the part of the defendant, was ſufficient to create a doubt in the minds of the Jury; which, in a criminal caſe, ought to go to an acquittal; and therefore, his Lordſhip ſaid, if the Gentlemen of the Jury were of the ſame opinion with him, they would acquit the defendant.

The Jury replied, That, from the evidence the defendant had given, they thought it their duty to acquit him.

GEORGE SINGLETON *versus* CHARLES SINGLETON.

THIS action was unfortunately brought by one brother against another, whom he had arrested and imprisoned for the sum of 200l. It was alledged, on the part of the plaintiff, that the defendant was in an unhappy state of mind, and that, if he would give the plaintiff security against any bodily harm, he would excuse him the debt, and permit him to be discharged.

Verdict for the plaintiff, damages 200l.

THURSDAY, June 13.

THE KING *against* ARNOLD.

THE defendant was convicted before a Justice of Peace of buying corn not measured by the Winchester bushel. The Justice fined him in the value of the corn, and 40s. besides, according to the directions of the Act of Parliament. Arnold conceiving himself aggrieved as to the 40s. applied to this Court for relief. It was acknowledged on all hands, that he would have been liable to the 40s. fine, had he been the seller of the corn; but Lord Kenyon was clearly of opinion that he was equally liable, being the buyer.

COMMON PLEAS.

THURSDAY, June 13.

BARBER *versus* ROBINSON.

Breach of Promise of Marriage.

THIS was an action to recover from the defendant a satisfaction in damages for a breach of promise of marriage.

The principal witness was Mary Barber, the plaintiff's aunt; she said that the defendant was a haberdasher; that about two years ago he began to pay his addresses to the plaintiff, who was a young woman of unexceptionable character: He introduced her to several of his friends as his intended wife, and repeatedly promised her marriage both verbally and by letters; he continued his courtship up to the month of January last, when he went into Yorkshire, and married another lady, without assigning any reason for his infidelity to the plaintiff.

A letter was produced and read, which appeared to be in the hand-writing of the defendant. In this letter he said he would marry the plaintiff as soon as he returned from the country. It was dated three days before he married his present wife.

The Counsel for the defendant addressed the Jury, and called two witnesses, who said that the plaintiff was a young woman of a flighty disposition; that the defendant was only 22 years of age, and that the courtship was without the knowledge and approbation of his father.

The Jury found a verdict for the plaintiff, 70l.

KING's BENCH.

MONDAY, June 10.

ANTEEZIER *versus* SMALLPIECE.

THIS was a cause which involved a question of some importance to the commercial world. The action was brought to recover a sum of money, for the freight of a quantity of goods shipped at Seville for the port of London.

It appeared that the goods were consigned to a Mr. Haines, and by him sold to the defendant, in whose name it was entered at the Custom-house.

The question in this cause was, "Whether the defendant was liable to pay for the freight of these goods?" Mr. Haines was a bankrupt.

Lord Kenyon laid down the law upon the subject. His Lordship said, there was no doubt but the plaintiff had a right to have detained the goods for the freight, but this he had neglected to do. As it was in evidence that Haines had sold the goods to the defendant, the plaintiff could not recover from him the freight, for such sale transferred no right of action; the circumstances of the goods being entered at the Custom-house in the defendant's name did not make him liable. The plaintiff should have detained the goods for his freight.

The Jury, under the direction of the learned Judge, found a verdict for the defendant.

Further Particulars of the Attack upon Tobago, and the ſtorming of Fort Caſtries, now Fort George, dated from Tobago, April 16, 1793.

THE detachment, conſiſting of not more than 420 men rank and file, including 50 artillery, landed at Courland Bay on the 14th inſtant, between four and five o'clock P. M. and advanced immediately to Mount Grace, about four miles diſtant, which commands a view of the town of Scarborough and the fort, the town about two miles off, and the fort about three quarters of a mile farther. General Cuyler, on his arrival at Mount Grace, ſent an officer with a ſummons to the French Governor, deſiring him to ſurrender, which he poſitively refuſed to do, ſaying, that he was determined to defend it to the laſt extremity. The General immediately determined to ſtorm the fort that night; finding it much ſtronger than it had been repreſented, both as to works and numbers of the garriſon.

The following diſpoſition of attack was made by the General: The two light companies of the 9th and 60th regiments, under the command of Major Gordon, (who gallantly requeſted permiſſion to leave the command of his own regiment to lead the light infantry,) were to be ſupported by the two grenadier companies under the command of Major Bailey, and the 4th battalion of the 60th regiment, under the command of Captain de Viſme; the reſerve of a few mariners under the command of Major Bright; the artillery to remain with their guns.

The light infantry marched at one o'clock in the morning, and as it was exceſſively dark, and the road very narrow, through thick bruſh wood, they moved very ſlowly: when they got into the town, they were fired upon by the guard, but they ſoon ſettled the buſineſs with their bayonets. On advancing ſome hundred yards further, they completely ſurpriſed a piquet, with their bayonets, without making the leaſt noiſe. The guide then told Major Gordon that they were within 200 yards of the fort, and on liſtening, they heard the rounds going on the ramparts, and the ſentries challenging them; he therefore halted to know if all his men were up, and if the grenadiers were near to ſupport him: Two diviſions of the light infantry were miſſing, owing to the path being for near a mile ſo narrow, that only one man could advance a-breaſt, and their having made two charges on the advanced picquet and town-guard; neither did thoſe in the rear know any thing of the grenadiers.

grenadiers. Major Gordon therefore determined to wait a little; during which interval, two curious but fortunate circumstances occurred. It was so dark, that it was impossible to see ten yards; a noise of feet was heard as coming from the town; the Major went back with four men to the spot where the French picquet had been, thinking he might surprise the patrole if an enemy, and if friends, should know them by the watchword; he challenged the French, and was answered *Ami Quel Ami ? Citoyen.* The word was no sooner out of the Serjeant's mouth, than he and four men that were with him, were dead, without the smallest noise. On returning to the party they heard the patrole coming out of the fort, and as the Major did not wish to be discovered, he hoped to be able to pass for the picquet which they had surprised; accordingly being challenged, he answered *Ami Quel Ami? Citoyen*; upon which the patrole, who was within a few yards of him, replied *a la bonheur*, and returned back into the fort.

Soon after the footsteps of some people were heard scrambling through the brush wood, and on being challenged, fortunately turned out to be that part of the light infantry which had separated, but they knew nothing of the grenadiers. It turned out afterwards, that the grenadiers and battalion had, either through the darkness of the night, or the intention of the guide, been entirely separated from the light infantry, and were led up against the fort by a different path on the opposite side of the hill, where they attacked with the greatest bravery, but were obliged to fall back. This was perhaps a fortunate circumstance, as it in some measure drew off the attention of the enemy from the other side. It was now about three o'clock, and as the only chance of success was storming the works in the dark, Major Gordon determined to attack by himself, and moved on instantly.

They carried the first redoubt, and were within the outer works as soon as the guard of the redoubt. The fort now began a very warm fire of grape shot and small arms, but nothing could withstand the bravery and coolness of the men; they never attempted to fire a shot, but carried every thing with their bayonets. At last they got into the ditch of the fort, where, to their great surprise, they found the ramparts very high and perpendicular, whereas it had been represented to General Cuyler, that when the outworks were carried, they could run up the ramparts of the inner fort. The men were very much fatigued, and the enemy were keeping up a tremendous fire of grape shot. After a halt of a few minutes, Major

Gordon called out, " God save the King, follow me !" which was answered by the men with three cheers, and up he went, a corporal followed, and they pulled up about a dozen men by their firelocks. The first four were wounded and fell down again, but there were soon about 20 men more up, lying on the slope of the parapet along-side of him, within two or three yards of the guns (two eighteen pounders) which were firing over them. As soon as they found a sufficient number of men up, they charged into the battery, drove every man from the guns, and formed, till they were joined by all the rest of the men, and then for the first time began to fire upon the French, who were drawn up in front of their barracks, and firing upon them from all quarters of the inner square. As soon as Major Gordon found all his men up, he ordered the firing to cease, and to charge. In a few minutes Monsieur Montel, the Governor of the island, called for quarter, and delivered his sword. To the honour of the British soldiers be it told, that after their Commanding Officer called out that the Governor had surrendered, there was not a person wounded. They were occupied until day-light securing prisoners, who were more than double the number of the assailants; for most of the grenadiers and the battalion had lost their road, and did not reach the fort till after gun-fire.

When day-light appeared, the General's joy, on seeing the British colours flying over that of the French is not easily to be described, for he had entirely given up all hopes of success, imagining that the light companies and their gallant commanders must have been cut to pieces.

Monsieur Montel, by his letter to Monsieur Rochambeau, with the account of the capture of the island, an extract of which I inclose, seems perfectly sensible of the bravery and generosity of the British troops :

" General Cuyler was wounded at the commencement of the attack: Major Gordon, who took me, behaved, as did his troops, with a valour and generosity above all praise. Both the General and his officers continue to treat us with the same generosity."

An ANECDOTE.

TWO English students, belonging to the College of Douai, wished to get back to England. They therefore applied to the Municipality for passports, but their petition

was

was refused. The Superior of the College interceded in their behalf, but was informed, that all the British subjects in that town should be detained as hostages; the two students, however, were determined to attempt their escape. After staying some days at a country house belonging to the College, which is at a small distance from Douai, they set off towards Tournai, and were obliged to conceal themselves in the woods to avoid the French scouts. Upon their approach to Tournai, they were taken prisoners, much to their satisfaction, by a party of Hanoverian troops, and conducted to the Duke of York. His Highness enquired from whence they came; and, upon hearing that they were English students from Douai, I presume, said he, you are Roman Catholics. They replied, we are, and loyal subjects of his Britannic Majesty. The Duke made various enquiries respecting the town of Douai, the names and political sentiments of its principal inhabitants, and expressed his hopes, that, in a short time, he should be able to liberate all the English in that town. Before they departed, his Royal Highness enquired if they had money sufficient to convey them to England. Their answer was, that they had about five guineas. Convinced of the insufficiency of this sum, the Duke desired them to draw on his banker at Ostend for what money they might judge necessary. They took up ten guineas, and are now safely arrived in town, where they speak in the most grateful terms of his Royal Highness's politeness and generosity.

An affecting Instance of Ingratitude.

[From "A Comparative Sketch of England and Italy."]

AN English gentleman, resident at Naples, came to his native country some time in the year 1789. He was extremely attached to horse exercise, and, for the pleasure of using it, he had purchased, when in London, a few fine horses. To have them well looked after at Naples, it was requisite also to take with him an English Groom. Thus accommodated, he proceeded through France to Italy.

Arrived at Naples, his servant, a stranger to the Italian language, sought acquaintance. His speech was fettered: he knew not how to disclose his perceptions. He wished for a friend in his dreary solitude, and became acquainted with an Irish soldier, in the service of his Sicilian Majesty.

An

An intimate attachment generally takes place, where the opportunity of forming it is ſo difficult; and, though perfidy has always one of the deepeſt dyes of villainy, it was in this inſtance ſingularly atrocious. Whenever the ſoldier found his neceſſities preſſing, he applied to this man. The money that he poſſeſt came only from the ſcanty gleanings of his ſervice; and he lent him at different times a few ducats, which were generally repaid after ſome little trouble.

The ſoldier had frequently urged his diſtreſs, when he found himſelf incapable of fulfilling his engagements, and the ſervant had not only the benevolence to wait for his convenience; but had even himſelf ſolicited a ſubſcription for him from the Engliſh factory at Naples.

About the month of February 1791, his maſter had ſome thoughts of returning to England, and made his ſervant acquainted with his intention. The poor fellow, unable to reſiſt the entreaties of his ſuppoſed friend, had unfortunately at the time lent his little all; it amounted to the ſum of forty ducats. He was apprehenſive that he ſhould loſe the money, if he came to England without it; and therefore earneſtly preſſed him for payment. This circumſtance happened on a Wedneſday, and the journey was to take place on the ſucceeding Wedneſday. It was now impoſſible to temporize without danger of loſing the money; and, as the Iriſhman had repeatedly promiſed, and failed in his punctuality, he found it now neceſſary, for the ſatisfaction of his creditor, to ſwear in the moſt ſacred manner, that his debt ſhould be paid the Monday following, which would have been two days previous to the man's departure. The ſervant, to enforce and ſecure the money at the appointed time, in anſwer to this proteſtation, only threatened that if the Monday ſhould elapſe without the promiſed payment, he would inform his Captain of it the Tueſday morning; and thus they ſeparated.

It will be neceſſary to remark to thoſe unacquainted with the buildings of Naples, that many families inhabit the ſame houſe, and that even the bed-chambers generally open in a ſort of gallery, which people paſs in common unnoticed. This was here the caſe; and about one o'clock in the morning of the Tueſday, a noiſe was heard at the bed-chamber of the ſervant, with a loud whiſper, which bid him open the door. After a natural queſtion "Who is it?" the voice replied, "'Tis I—I am come to pay the forty ducats I borrowed of you—open the door."—The door was opened—The monſter ruſhed in, and ſtabbed him in ten different places with his bayonet. The

ſcreams

ſcreams of the ſervant, and his cry of "murder! murder!" in Engliſh, alarmed the inhabitants of the whole houſe. They come to the room from whence the ſound proceeded, and find the poor Engliſhman weltering in the gore which had flowed from his mangled body. His ſtomach and lungs were particularly perforated, and extravaſated wind, and blood iſſued at the ſame time from his wounds.

A ſurgeon inſtantly attended—on viewing the miſerable object, he lifted up a deſpairing eye and exclaimed "*Geſu Maria é morto!*" The poor creature had a ſufficient knowledge of Italian to underſtand from the expreſſion of the ſurgeon, that he was beyond the poſſibility of recovery, and had ſtill exiſtence enough to know and name the murderer.

The officers of juſtice repair to the ſoldier's habitation;—they fly to his bed-chamber, which they burſt open;—they go towards his bed, and they only ſee a French woman, who lived with this horrid miſcreant. Satisfied by her aſſurances and their own eyes, that he was not in the houſe, they were returning: But, one of them having juſt diſcerned a bloody pair of breeches on the floor, they renew their ſearch, and find under the bed a trap-door, and the trembling wretch concealed under it. They immediately take him into cuſtody, and commit him to priſon.

With a fruitleſs hope of recovering the poor Engliſhman, he was conveyed to the hoſpital; and for the purpoſe of convicting the aſſaſſin, it was neceſſary to eſtabliſh a proof, which ſhould be irrefragable. The tribunal of Naples is extremely cautious in admitting the internal evidence of facts, and particularly ſo, in judging of (what is termed in England) collateral evidence. Their criminal laws ſuppoſe, that predetermination frequently reſults from indignant feelings; and that other violent men, like the Judge in the melancholy caſe of Calas, may connect probable circumſtances with eaſe, and may reconcile even diſcordant circumſtances without much difficulty. This is the natural effect of premature judgment, from which few men are perfectly exempt.

To ſubſtantiate, therefore, the unqueſtionable criminality of the Iriſhman, five other ſoldiers were dreſſed in ſimilar cloaths with himſelf, all in regimentals. The ſix men went round the bed of the Engliſhman at two different times, and at each time, the poor creature pointed out the murderer, without doubt, and without difficulty. After this he languiſhed a few days and died.

 It

It will be now useless to observe, that this wretch was a proper object for all the rigour of an avenging death; and yet, as his punishment, he was only banished for life to one of the neighbouring islands of Sicilly.

We see from this deplorable, and fatal lenity, that the Government of Naples does not sufficiently deter the inhabitants from the perpetration of murders by the vengeance of penal justice.

The Epistle for the Yearly Meeting, held in London, by Adjournment, from the 20th to the 28th of the Fifth Month, 1793, inclusive, to the Quarterly and Monthly Meetings of Friends in Great-Britain, Ireland, and elsewhere.

DEAR FRIENDS,

WE salute you in Gospel love, and in a degree of that humility, which a close inspection into the state of our religious society at this time, hath produced: For, although we may thankfully acknowledge that we have not found things in so neglected a condition as in some former years; and some increasing concern appears to have invested the minds of many brethren, for the support of our testimonies; yet much remains to be done, and much laborious exercise of spirit to be patiently endured, before our Sion can become, so eminently as we trust she is designed to be, the praise of nations. Friends! may every one of you, who may read or hear this our tender salutation, closely and effectually consider in what instance, and to what degree, he obstructs, in his practice, the accomplishment of a design so gracious.

Our meeting hath been large, and, through the mercy of our Holy Head and High Priest, hath been favoured with the renewed assistance of his Spirit; and, although divers matters have occurred which have been subjects of considerable discussion, we have afresh experienced the prevalence of Christian condescension.

The accounts of sufferings brought in this year amount, in Great-Britain, to 6080l. and in Ireland, to 1629l. The largest part, as usual, is for those ecclesiastical demands with which we scruple actively to comply, as being the support of a ministry formed by the will of man; and not only inefficacious in combating the desires of the carnal mind, (which, saith the

Holy Scripture, is at enmity with God) but too generally made subservient to its purposes.

Our correspondence with our brethren in Ireland and on the Continent of America, is maintained, and we have received epistles from all the yearly meetings, informing us of their concern for the cause of truth; and, in some of those from America, of their continued care to be, as opportunities offer, the advocates of the oppressed Black People. The slow progress, in this country, of the cause of these our fellow men we lament, but do not despair of its success: And we desire friends may never suffer the cause to cool on their minds, through the delay, which the opposition of interested men hath occasioned in this work of justice and mercy; but rather be animated to consider, that the longer the opposition remains, the more necessity there is, on the side of righteousness and benevolence, for steadiness, perseverance, and continued breathing of spirit to the God and Father of All, who formed of one blood all the families of the earth.

From Philadelphia we learn that Friends have also had at heart to be instrumental in promoting a pacification with the frontier and other Indians, in which benevolent purpose they are encouraged, by the Indians themselves; who having been accustomed, for more than a century, to just and kind treatment from Friends, have been induced to repose much confidence in them.

At our last yearly meeting, we were engaged to caution our members against suffering the voice of party to draw any of us from the stedfastness which we may possess in Christ; and now when war is making its ravages in the adjacent nations, we are again concerned to exhort Friends, that, on all occasions, they evince themselves to be indeed the followers of the Prince of Peace. As we profess to be restrained from joining in a practice so desolating to mankind, let us not indulge the spirit of it in ourselves, or encourage it in others, by making the events of war a frequent subject of conversation; but so far as we are truly redeemed from those warring lusts in ourselves, to which the apostle ascribes its origin, let us, as enabled, be frequently engaged in secret supplication to the God of the Spirits of all Flesh, that it may please him to "break the bow, and cut the spear in sunder; making wars to cease unto the end of the earth;" and to enlist the nations under his holy banner, in opposition to those iniquities which are a reproach to the profession of Christianity.

Many have been of late the overturnings and failures in the commercial world; and some amongst us have not escaped the disgrace. We desire these things may operate as a call to all of us, who may need the caution, to contract rather than to enlarge our plans for the acquisition of wealth. Let us sooner endeavour to secure a competency, by contracting our wants and limiting our desires; recollecting, that as Christ, our great example, declared his kingdom not to be of this world, so neither can his faithful followers make it the storehouse of their treasure. "Lay not up for yourselves treasures upon earth, where moth and rust doth corrupt, and where thieves break through and steal: But lay up for yourselves treasures in Heaven, where neither moth nor rust doth corrupt, and where thieves do not break through nor steal. For where your treasure is, there will your heart be also."

Signed in and on behalf of the yearly meeting, by

GEORGE BRAITHWAITE,

Clerk to the Meeting this year.

Anecdotes of the late Duke of Somerset.

A Venison pasty, or some dish of that sort, did not appear on the Duke's table, when it was expected. His house had not the addition, now so useful and general in the country, of an oven; and the cook's excuse was, that there was nobody under his command to carry it to the baker's.—He had tendered it to the stable-boy, who had been ordered by the coachman never to do any thing for the kitchen; to the gardener, the footman, &c. &c. and it was not carried.

The Duke shewed no discontent, but ordered his coach for the next day; and when it came, the footman, by his Grace's orders, announced to the cook, that the carriage was ready; and the cook placed the pye upon the seat of the coach, in which it was carried in state to the baker.

This was the late Duke's correction for that absurdity which his cotemporary Swift has ironically exposed. "If you are a gardener, and your master bids you shut the stable-door," tell him, "you don't understand horses;" if you are a butler, and your master bids you draw up a curtain, tell him, "you don't understand furniture, but you'll send one of the footmen to fetch the upholsterer."

The

The Duke had not been in London for many years. His fortune did not permit much of the display which now so delightfully accompanies rank, and he had not the taste for enjoying it. Another circumstance more positively prevented his visits to London. The dread of the small-pox, which, in the beginning of this century, infested almost every family, remained with him, who was entirely the gentleman of that date to the last.

His Grace was humane, generous—not wanting in true dignity when occasion came for a display of it. His faults were chiefly deficiencies, and depended upon the expectation, which should, however, not be suppressed, of active magnificence in those who take precedence of others.

His Grace's dread of the small-pox is well known; on that account, a few years since, it was difficult for a stranger to be admitted, either into the mansion, or into the park; a person, suspected of being a poacher, was one day discovered in the park, a short time before the deer were sold, and brought before his Grace, who charged him with an intention of stealing some of the fawns; this the other confessed, but artfully added, that having a child ill of the small-pox, he thought the poor thing could manage a bit of venison. He was instantly discharged; and as he lived at some distance, received a small gratuity to hasten his journey.

Answer, by W. Williams, of Plymouth Dock, to S. Hill's Question, inserted January 28, 1793.

FROM the data of the question it appears that the field can be circumscrib'd by a circle, and to determine the area in such cases, most of the writers on mensuration have given general theorems: The following is taken from Mr. Emerson's Geometry.

Put $A=16.6$, $B=14.4$, $C=11$, $D=28$, and $2S = A + B + C + D$, then we have $\overline{S-A} \times \overline{S-B} \times \overline{S-C} \times \overline{S-D}$ = the area², a general theorem, whence the content of the field, $\overline{3.5-16.6} \times \overline{3.5-14.4} \times \overline{3.5-11} \times \overline{3.5-28} = 63678.72$, and $\sqrt{63678.72} = 252.34648$ square chains, or 25 acres, 37 1-half poles.—In Mr. Simpson's Select Exercises are methods by algebra and geometry for determining the

 diameter

diameter of the circumscribing circle, but they are too complex for this publication.

N. B. In this example the diameter is equal to the longest side of the trapezium.

*** We have received the like answer from T. Pryor, of Chard Academy; J. B. Chivers, of St. Austell; and a young farmer of St. Stephens.

Answer, by Honestus, of Penzance, to Philagathus's Charade, inserted March 25.

THE trumpet sounds, the awful day is come,
The fetter'd captive's fill'd with guilty fears
To hear pronounc'd his solemn, awful doom,
With trembling steps he to the *Bar* repairs;

The dreadful sentence past, with downcast eyes,
Back to the loathsome cell he hastes away;
He quits the world—but to the world he cries,
"Oh! shun the *Net* in which I fell a prey."

Thus does your first and second plainly show,
That BARNET is the town you fain would know.

‡*‡ We have received the like answer from W. C. junior, and Wm. Brewer, of Taunton; T. Welch, near Wiveliscombe; T. Giles, Bridgewater; Curiosus, of Bath; a young farmer of St. Stephens; J. Collins, Uffculm; R. Kittow, of Eglosskerry; A. Apsey, Bristol; T. Roberts, Tywardreath School; S. Hill, Dawlish; J. Commins, Tavistock; R. D. and J. B. Chivers, St. Austell; W. Bawden, and Eremita, of Weston Zoyland; W. Watts; W. Hoare, of Deane Prior; J. Bulgin, of Castle Cary; and E. Giddy, and J. Traer, of Truro.

An ENIGMA, *by J. K. C. near Wells.*

LADIES! behold a rude, unpolish'd boor,
Who never had the impudence before

To

To claim your notice, or one doit to aſk,
Approaches now beneath enigma's maſk;
And humbly hopes you'll deem it not amiſs,
That he appears in ſuch a garb as this.
But hark! methinks I hear you ſay "Begone!
"Thou naſty, dirty, ſtupid, ſenſeleſs drone!"
Gods what fine names! but pray ſuppreſs your doubt,
And my origin clearly I'll make out;
Of honeſt parents, tho' of mean eſtate,
I enter'd here, as was decreed by fate;
Yet when my ſires began 'tis underſtood,
They reign'd for years before the awful flood.
When firſt I enter'd on this ſtage of life,
(Chequer'd with nought but painful care and ſtrife)
For youth and beauty I was much eſteem'd,
Ev'n my poſſeſſion was a pleaſure deem'd!
And had you then, perhaps, beheld my face,
'Tis ten to one I'd ſuffer'd no diſgrace;
But fate deſign'd me greater ills to know,
As in my ſequel I ſhall plainly ſhow.
Here then I ſhone until maturer years,
Brought on my youthful head maturer cares;
For while I health's reſtoring balm did ſip,
Fate ſnatch'd the ſhining goblet from my lip;
And how ſhall I deſcribe the fatal blow,
That laid, with thouſands more, my grandſire low!
Oh direful ſtroke! thus robb'd of all my reſt,
And doom'd to tortures, as my foes think beſt;
Until by joint conſent for curſed gold,
They dragg'd my half-ſtripp'd carcaſe to be ſold.
Compel'd when purchas'd to laborious work;
Nor at my labours do I dare to quirk;
Thro' dirt and mire hoglike I muggle on,
And ſpite of ſtorms ſtill muſt my work be done;
In open ſtreets expoſed to public view,
Thro' mud and water, pools, and gutters too,
I'm doom'd to labour like a wretched ſlave,
Till hoary age conducts me to the grave;
Then on the dunghill you perhaps may find
My poor remains, or to the flames conſign'd;
And who would think, poſſeſs'd of common ſenſe,
That ſuch, alas! is worth's poor recompence.

P O E T R Y.

For the WEEKLY ENTERTAINER.

Lines written on Contemplating the Period of all human Glory among the Tombs in Weſtminſter Abbey.

By *Mrs.* NATH. STICKLAND.

HERE in one horrid ruin lies,
The great, the fair, the young, the wiſe;
Th' ambitious King, whoſe boundleſs mind,
Scarce to the world can be confin'd;
Contented now with narrower room,
Lies crowded in this marble tomb;
Death triumphs o'er the boaſted ſtate,
The vain diſtinctions of the great;
Here in one common heap they lie,
And eloquent in ſilence cry,
Ambition is but vanity!
And ſee this ſculptur'd tomb contains,
Of beauty the abhorr'd remains:
That face which none unmov'd could view,
Has loſt th' enchanting, roſy hue;
Thoſe once reſiſtleſs, ſparkling eyes,
No more can heedleſs hearts ſurprize;
That form which every charm could boaſt,
In loathſome rottenneſs is loſt.
See there the youth, whoſe chearful bloom
Promis'd a train of years to come;
Whoſe ſoft addreſs, and graceful air,
Had ſcarce obtain'd the yielding fair,
When fate derides the expected joys,
And all his flatt'ring hopes deſtroys.
There ſleep the bards, whoſe lofty lays
Have crown'd their names with laſting praiſe;
Who, tho' eternity they give,
While heroes in their numbers live,

Yet

Yet these resign their tuneful breath,
And wit must yield to mightier death.
Even I the lowest of the throng,
Unskill'd in verse or artful song,
Shall shortly shroud my humble head,
And mix with them among the dead.

THE IVY.

HOW yonder ivy courts the oak,
And clips it with a false embrace
So I abide a wanton's yoke,
And yield me to a smiling face.
And both our deaths will prove, I guess,
The triumphs of unthankfulness.

How fain the tree would swell its rind!
But, vainly trying, it decays:
So fares it with my shackled mind,
So wastes the vigour of my days.
And soon our deeds will prove, I guess,
The triumph of unthankfulness.

A lass, forlorn for lack of grace,
My kindly pity first did move;
And, in a little moment's space,
This pity did engender love.
And now my death must prove, I guess,
The triumph of unthankfulness.

For now she rules me with her look,
And winds me round her harlot chain;
While, by a strange enchantment struck,
My nobler will recoils in vain.
And soon my death will prove, I guess,
The triumph of unthankfulness.

But, had the oak denied its shade,
The weed had trail'd in dust below;
And she, had I her suit gainsay'd,
Might still have pin'd in want and woe:
Now, both our deaths will prove, I guess,
The triumph of unthankfulness.

Epitaph

Eitiph on the Death of John Ayton Thompf

IF in the morn of life each winning grace,
The converse sweet, the mind-illumin'd face,
Th lively wit, that charm'd with early art,
An mild affection streaming from the heart;
If hese, lov'd youth, could check the hand of fate,
Th matchless youth had claim'd a longer date:
Bu thou art blest! while here we heave the sigh,
Thy death is virtue wafted to the sky.
Yet till thy image fond affection keeps,
The re remembers, and the mother weeps;
Still e friend grieves who saw thy vernal bloom,
And ere, sad task! inscribes it on thy tomb.

A. MURPHY.

To a Lad, observin that the Writer had a faded Rose.

THIS rose, my fair, has fragrance left,
And once was in full bloom,
As is my Julia; but bereft
Of beauty, by time's doom.

Your wit, your elegance, and ease,
Spite of his envious blast,
Shall still my ravish'd senses please,
And bless me to the last.

END OF THE TWENTY-FIRST VOLUME.